

THE AMENDMENT

Claims 1-8 and 10-29 are in the case. Claim 29 is new.

Support for new claim 29 regarding “a value acceptor that allows the player to place the wager” can be found at ¶[60] (page 9) of the original Specification.

Applicants respectfully submit that the Amendment does not introduce new matter and request that the Amendment be entered.

REMARKS

Applicants wish to state that the present response is made primarily to address the rejection under item (3) of page 2 of the non-final Office Action mailed March 25, 2008. Response to all of the remaining rejections, i.e., item (4) on pp 3-7, item (5) on pp 7-11, item (6) on page 11, item (7) on pp 11-12, item (8) on pp 12-13, item (9) on pp 13-14, item (10) on page 14, and item (11) on pp 14-15, will rely on the arguments presented in the Pre-Appeal Brief Request for Review, submitted January 15, 2008. The Office’s rejection under item (3) is a new rejection based a combination of Silkworth and Kaplan; however the remaining rejections under items (4)-(11) are exactly the same rejections that were previously addressed in the arguments presented in the Pre-Appeal Brief Request for Review. Applicants note that the Review Panel found these arguments persuasive and issued an overall finding that the claims were allowable (Notice of Panel Decision from Pre-Appeal Brief Review, dated March 13, 2008).

The Office subsequently reopened prosecution in order to present only new grounds for rejection of claims 1-6, 16 and 21 under item (3). However, since no new grounds, citations, or basis for rejection have been provided for adding to, or revising, the previous rejections under items (4-11) of the non-final Office Action mailed March 25, 2008, Applicants submit that these

rejections have already been addressed and overcome by the arguments presented before the Review Panel as verified by a finding of allowability (Notice of Panel Decision from Pre-Appeal Brief Review, dated March 13, 2008).

1. A Brief Summary of One Embodiment of Applicants' Invention

In one embodiment, the present invention is directed to a gaming device involving a three-dimensional figure comprising a plurality of three-dimensional sections, each having a height, a width, and a depth. At least one three-dimensional section is moveable relative to the other three dimensional sections and comprises a plurality of three-dimensional fractional images. The moveable three-dimensional section may be positionable to allow a player to view the plurality of three-dimensional fractional images by moving the moveable three-dimensional section. When the moveable three-dimensional section is in at least one position, the plurality of three-dimensional sections forms at least one whole, integrated three-dimensional image. The gaming device also comprises an actuator attached to the moveable three-dimensional section that is configured to move the moveable three-dimensional section. The gaming device also includes a controller in communication with the actuator and configured to randomly determine a game outcome and to cause the actuator to move the moveable three-dimensional section.

2. Rejection of claims 1-6, 16 and 21 under 35 USC §103(a) as being unpatentable over Silkworth (U.S. Patent No. 1,373,679) in view of Kaplan (U.S. Patent No. 5,413,342).

Claims 1-6, 16 and 21 stand rejected under 35 USC §103(a) as being obvious over Silkworth in view of Kaplan. Applicants respectfully traverse the rejection.

(A) Silkworth

Silkworth appears to disclose a boat race game where game units occupy positions on a turntable to simulate sailboats. Movement of the game units is provided by an air current from a

blower which drives the turntable; after the turntable has been stopped, the winning boat is identified by the final position of the boat nearest to the finish line on the turntable.

The Office cites Silkworth as teaching: a gaming device having a display object, a support platform, three-dimensional symbols configured to allow a player to view front/back portions of the symbols when the display object is stationary, rotation mechanism controlled by a controller, etc. (Section 3, pp 2-3 of the Office Action dated March 25, 2008). However, none of the above alleged cited elements from Silkworth corresponds to, or suggests, any of the elements of Applicants' independent claims 1, 16 and 21.

None of Applicants' independent claims refers to a display object, a support platform, three-dimensional symbols configured as presented above by the Office, or a rotation mechanism controlled by a controller. Applicants see no relevance to these alleged teachings of Silkworth as being pertinent to Applicants' claims. Indeed, key elements of Applicants' independent device claims 1 and 21 include (a) at least one of the three-dimensional figures comprising a plurality of three-dimensional sections where at least one of the latter is moveable relative to the other sections, (b) the three-dimensional sections being positionable to form a whole, integrated image, and (c) a controller to randomly determine a game outcome and cause the moveable section to be moved by an actuator to at least partially convey the randomly determined game outcome to the player. None of these claimed elements are recognized or cited by the Examiner regarding Silkworth, nor is any of these elements suggested or taught by Silkworth.

Regarding independent method claim 16, the Examiner has cited none of Applicants' required method claim elements as being suggested or taught by Silkworth, for example: allowing placement of a wager as part of a game of chance, randomly determining a game outcome involving a controller using a random number generator to generate a combination of

fractional images, or awarding a prize if a selected fractional image and a second fractional image form a predefined, unitary image.

(B) Kaplan

Kaplan appears to disclose a slot machine with three or more moving elongated reels which are parallel with each other in a horizontal position that stop at arbitrary times; the reels include several kinds of two-dimensional graphic patterns corresponding to possible prizes based on the number of matched patterns. A housing encloses the reels with a glass display having triangular viewing windows through which the graphic patterns are displayed. Each triangular viewing window is placed to form a larger triangle and provide a PYRAMID game format.

The Office contends that Kaplan teaches a plurality of three-dimensional sections with at least one section being moveable relative to the others, the sections being positioned to form a whole integrated image, and randomly determining a game outcome, citing **col 3:1-6**. However, this citation only refers to the two-dimensional images on the reels of Fig. 7 – see excerpt below:

“... As shown in FIG. 7 the slot machine includes three horizontal parallel reels each of which includes symbols thereon. Each reel is supported at their ends on a separate shaft by a drum so that they will be driven separately and which can be removed independent of each other.”

None of the “images” on the reels of Fig. 7 of Kaplan are three-dimensional images “having a height, a width, and a depth” as required by Applicants’ claimed invention. Further, Kaplan does not disclose or suggest positioning the sections to form a whole integrated image, as proposed by the Office. None of the Figures in Kaplan show an arrangement of fractional images forming at least one whole, integrated three-dimensional image. Figures 1-8 of Kaplan all show two-dimensional symbols (clovers or triangles) that may be displayed in various graphic patterns, some of which correspond to winning combinations (see claims 4, 8, 11 and 13 of

Kaplan): the symbols may be arranged horizontally in a line, diagonally in a line, or combinations thereof to provide a winning pattern (see **col 4:6-21** and Figure 4a-4g); however, none of these configurations discloses or suggests a three-dimensional whole integrated image, but merely represent various patterns of the combined individual symbols.

(C) Combination of Silkworth and Kaplan

The Office apparently relies on the teachings of Kaplan to remedy the acknowledged deficiencies of Silkworth (for example, no teaching or suggestion of three-dimensional sections moveable relative to each other and positionable to form a whole integrated three-dimensional image). As presented above in Section (B), Applicants respectfully submit that Kaplan fails to address this deficiency, and, in addition, Kaplan does not remedy any of the remaining deficiencies of Silkworth not addressed by the Office (for example, at least one three-dimensional figure comprising a plurality of three-dimensional sections, or a controller configured to move a section via an actuator to convey at least part of the randomly determined game outcome).

As presented in Section (A) above, Applicants do not agree with, nor understand, the Office's citation of irrelevant features of Silkworth as supposedly conforming to or suggesting features of Applicants' claimed invention. Applicants respectfully submit that the Examiner has clearly erred in citing Silkworth as a viable reference to support a rejection under 35 USC §103(a) in view of Kaplan. In particular, (a) none of the cited aspects (by the Office) of Silkworth are found in Applicants' claims and (b) key elements of Applicants' independent claims that are not cited by the Examiner as being taught by Silkworth, are also not suggested or disclosed in the secondary reference (Kaplan). Accordingly, since none of the required claim elements are disclosed or suggested in the prior art, Applicants respectfully request that the

rejection of the claims under 35 USC §103(a) be withdrawn since a *prima facie* case of obviousness has not been established.

3. Rejection of claims 1-6 and 13-14 under 35 USC §103(a) as being unpatentable over Lupo (U.S. Patent Application Publication 2002/0111204) in view of Horvath (U.S. Patent No. 4,405,131) and Adams (U.S. Patent No. 6,334,814).

Claims 1-6 and 13-14 stand rejected under 35 USC §103(a) as being obvious over Lupo in view of Horvath and Adams. Applicants respectfully traverse the rejection.

As indicated above, since no new grounds, citations, or basis for rejection have been provided by the Office that differ from the previous rejections, Applicants rely on (1) the arguments presented in the Pre-Appeal Brief Request for Review, submitted January 15, 2008 and (2) the Review Panel's finding of allowability (Notice of Panel Decision from Pre-Appeal Brief Review, dated March 13, 2008). The Office relies upon Adams in combination with two other references (Lupo and Horvath) to support rejection of independent claim 1 and related dependent claims 2-6 and 13-14.

Lupo appears to disclose a three-dimensional Tic-Tac-Toe-type computer game depicting a rotatable playing structure and a number of separate substructures, where each substructure within the playing structure has mutable characteristics when viewed prospectively on the computer. Lupo appears to teach games that depend on logic and deductive skills (see Abstract) where each player is competing with another game player or the game controller; as such, Lupo does not deal with activities that involve games of chance, i.e., dependent upon randomly determined game outcomes.

Horvath appears to disclose an improved puzzle device where groups of elements are rotatable about selected orthogonally related axes to move the elements into predetermined

relationships (RUBIK'S CUBE game). Horvath also appears to teach puzzles that would involve attributes of individual skill, as opposed to games of chance.

Adams appears to disclose gaming devices including primary and secondary events (such as a TIC-TAC-TOE game having a three-by-three matrix display) capable of providing at least one of a plurality of payouts.

The Office apparently relies upon Adams as overcoming deficiencies of the Lupo/Horvath combination, i.e., the lack of teaching (a) a game of chance involving a randomly determined game outcome and (b) the arranging of three-dimensional sections to convey the randomly determined game outcome, and cites from Adams at **col 3:6-25**.

Although Applicants acknowledge that Adams teaches a method of conducting a game of chance, Applicants can find no suggestion or disclosure anywhere in Adams (including **col 3:6-25**) regarding “the arranging of three-dimensional sections to convey the randomly determined game outcome” as alleged by the Office. All the payout displays of Adams rely on two-dimensional displays (such as wheels **150/250** in Fig. 2/3 and display **450** in Fig. 7). In addition, Adams does not teach or suggests the formation of a “whole integrated three-dimensional image” as required by Applicants’ independent claim 1.

Applicants submit that the Office has not established a legally sufficient basis for combining the teachings of Lupo and Horvath and Adams because the Examiner has failed to provide sufficient evidence to show that one having ordinary skill in the art would have sufficient motivation to combine the references as suggested by the Examiner (see *Ex Parte Crawford et al.* Appeal 20062429, Decided May 30, 2007). Both Lupo and Horvath deal with games of skill, Adams is a game of chance, and, consequently, Applicants submit that one of ordinary skill in the art, following the teachings of Lupo/Horvath/Adams would have no

incentive to incorporate only selected features of Horvath or Adams when the individual game formats would be incompatible, i.e., skill games versus game of chance. The Office is relying on improper hindsight (based on Applicants' disclosure) when he suggests selection of only one feature (such as fractional three-dimensional images, allegedly from Adams) from one game format for incorporation into a different incompatible game format.

The Office's contention that one of ordinary skill in the art would consider it obvious to combine the teachings of these three disclosures and arrive at one specific aspect of Applicants' claimed invention (while apparently ignoring other conflicting features) is without merit. This is not a case of the art merely providing alternatives for consideration in selecting interchangeable elements, since each prior art system (skill games of Horvath and Lupo; Adams game of chance) emphasizes one particular approach, to the exclusion of the other. Accordingly, Applicants respectfully submit that the Office has not established a case for *prima facie* obviousness. In particular, the prior art must be considered in its entirety, including disclosures that teach away from the claims (see MPEP 2141.02, VI).

Further, the Office would be requiring that the device of Lupo be selectively modified with one particular feature of Horvath as well as another particular feature of Adams while ignoring the inoperability of the resultant combination when considered as a whole. In this case, (1) Lupo and Horvath involve games of skill where each player competes against another game player or the game controller; whereas (2) Adams involves a game of chance. If one of ordinary skill in the art were to combine the teachings of Adams and Horvath or Adams and Lupo, as suggested by the Office, which of the "mismatched" features would be included or excluded in the resultant combination – on what basis would one of ordinary skill choose which conflicting combination should be made? Regardless of the particular combination made, the result would

render each of the individual modified game systems inoperable and unsatisfactory for their intended purpose. According to MPEP 2143.01 (V) and (VI), a proposed modification cannot render the prior art unsatisfactory for its intended purpose or change the principle of operation of a referenced device. In particular, if the suggested combination would require a substantive reconstruction and redesign of the primary device (such as mechanically changing the Adams game of chance to a skill game) as well as changing the basic principle under which the primary device construction (such as changing the Lupo or Horvath skill games to games of chance) was designed to operate, then teachings of the references are not sufficient to render the claims *prima facie* obvious.

Accordingly, Applicants respectfully submit that the Office has not established a *prima facie* case of obviousness and that the rejection is based on conclusory statements regarding the disclosures of Adams, not supported by the citations presented (see above). In addition, the Office has failed to provide satisfactory evidence from Adams to overcome the acknowledged deficiencies of any alleged Lupo/Horvath combination to support the rejection under 35 USC §103(a). Therefore, there is no motivation to combine the teachings of Lupo/Horvath/Adams to arrive at Applicants' claimed invention as advanced by the Office, except from hindsight reasoning based on Applicants' disclosure and Applicants respectfully request the withdrawal of the rejection of claims 1-6 and 13-14 under 35 USC §103(a).

4. Rejection of claims 16-19, 21-23, 25 and 26 under 35 USC §103(a) as being obvious over Kaplan (U.S. Patent No. 5,413,342) in view of Horvath (U.S. Patent No. 4,405,131) and Adams (U.S. Patent No. 6,334,814).

Claims 16-19, 21-23, 25 and 26 stand rejected under 35 USC §103(a) as being obvious over Kaplan in view of Horvath and Adams. Applicants respectfully traverse the rejection.

As indicated above, since no new grounds, citations, or basis for rejection have been provided by the Office that differ from the previous rejections, Applicants rely on (1) the arguments presented in the Pre-Appeal Brief Request for Review, submitted January 15, 2008 and (2) the Review Panel's finding of allowability (Notice of Panel Decision from Pre-Appeal Brief Review, dated March 13, 2008). The Office relies upon Adams in combination with two other references (Kaplan and Horvath) to support rejection of independent claims 16, 21 and related dependent claims 17-19, 22-23 and 25-26.

The alleged teachings of Kaplan (Section 2 (B)), Horvath (Section 3) and Adams (Section 3) have been addressed above. The Office relies on Adams as overcoming apparent deficiencies of the Kaplan/Horvath combination, i.e., the lack of teaching (a) a game of chance involving a randomly determined game outcome and (b) the arranging of three-dimensional sections to convey the randomly determined game outcome, and cites from Adams at **col 3:6-25**.

Although Applicants acknowledge that Adams teaches a method of conducting a game of chance, Applicants can find no suggestion or disclosure anywhere in Adams (including **col 3:6-25**) regarding "the arranging of three-dimensional sections to convey the randomly determined game outcome" as alleged by the Office. All the payout displays of Adams rely on two-dimensional displays (such as wheels **150/250** in Fig. 2/3 and display **450** in Fig. 7). In addition, neither Adams nor Kaplan teaches or suggests the formation of a "predefined unitary image" or a "unitary three-dimensional image," as required by Applicants' independent claims 16 and 21, respectively.

Applicants submit that the Office has not established a legally sufficient basis for combining the teachings of Kaplan and Horvath and Adams because the Office has failed to provide sufficient evidence to show that one having ordinary skill in the art would have

sufficient motivation to combine the references as suggested by the Examiner (see *Ex Parte Crawford et al.* Appeal 20062429, Decided May 30, 2007). Kaplan and Adams appear to be games of chance, whereas Horvath is a game of skill, and Applicants submit that one of ordinary skill in the art, following the teachings of Kaplan/Horvath/Adams would have no incentive to incorporate only selected features of Horvath or Adams when the individual game formats would be incompatible, i.e., skill games versus game of chance. The Examiner is relying on improper hindsight (based on Applicants' disclosure) when he suggests selection of only one feature (such as fractional three-dimensional images, allegedly from Adams) from one game format for incorporation into a different incompatible game format.

In addition to mis-characterizing Kaplan as disclosing three-dimensional images (the display reels of Kaplan only present two-dimensional symbols corresponding to possible prizes based on the number of matched symbol patterns), the Office further misconstrues Kaplan as teaching the formation of a "predefined unitary image" at **col 4: 18-21**. This citation from Kaplan refers to the display in **Fig. 4g** where "... all the same symbols are shown in all six windows ..." -- there is no "whole (unitary) integrated three-dimensional image" shown or suggested in **Fig. 4g** of Kaplan, only 3 rows of the same symbol shown in each row of 1, 2 and 3 symbols, in this case triangles or two-dimensional pyramids with spaces (discontinuities) between each symbol in the middle and bottom rows.

The Office's contention that one of ordinary skill in the art would consider it obvious to combine the teachings of these three disclosures and arrive at one specific aspect of Applicants' claimed invention (while apparently ignoring other conflicting features) is without merit. This is not a case of the art merely providing alternatives for consideration in selecting interchangeable elements, since each prior art system (skill game of Horvath; Adams and Kaplan games of

chance) emphasizes one particular approach, to the exclusion of the other. Accordingly, Applicants respectfully submit that the Office has not established a case for *prima facie* obviousness. In particular, the prior art must be considered in its entirety, including disclosures that teach away from the claims (see MPEP 2141.02, VI).

Further, the Office would be requiring that the device of Kaplan be selectively modified with one particular feature of Horvath as well as another particular feature of Adams while ignoring the inoperability of the resultant combination when considered as a whole. In this case, (1) Horvath involves a game of skill where each player competes against the game controller; whereas (2) Adams and Kaplan involve games of chance. If one of ordinary skill in the art were to combine the teachings of Adams and Horvath or Kaplan and Horvath, as suggested by the Office, which of the “mismatched” features would be included or excluded in the resultant combination – on what basis would one of ordinary skill choose which conflicting combination should be made? Regardless of the particular combination made, the result would render each of the individual modified game systems inoperable and unsatisfactory for their intended purpose. According to MPEP 2143.01 (V) and (VI), a proposed modification cannot render the prior art unsatisfactory for its intended purpose or change the principle of operation of a referenced device. In particular, if the suggested combination would require a substantive reconstruction and redesign of the primary device (such as mechanically changing the Adams or Kaplan games of chance to skill games) as well as changing the basic principle under which the primary device construction (such as changing the Horvath skill game to a game of chance) was designed to operate, then teachings of the references are not sufficient to render the claims *prima facie* obvious.

Accordingly, Applicants submit that the Office has not established a *prima facie* case of obviousness and that the Office's rejection is based on conclusory statements regarding the disclosures of Adams and Kaplan, not supported by the citations presented (see above). In addition, the Office has failed to provide satisfactory evidence from Adams to overcome the acknowledged deficiencies of the Kaplan/Horvath combination to support the rejection under 35 USC §103(a). Therefore, there is no motivation to combine the teachings of Kaplan/Horvath/Adams to arrive at Applicants' claimed invention as advanced by the Office, except from hindsight reasoning based on Applicants' disclosure, and Applicants respectfully request the withdrawal of the rejection of independent claims 16 and 21 (and related dependent claims 17-19, 22-23, 25 and 26) under 35 USC §103(a).

5. Rejection of claims 7 and 8 under 35 USC §103(a) as being obvious over Lupo (U.S. Patent Application Publication 2002/0111204) in view of Horvath (U.S. Patent No. 4,405,131) and Adams (U.S. Patent No. 6,334,814) and further in view of Paulos (U.S. Patent No. 4,407,502).

Claims 7 and 8 stand rejected under 35 USC §103(a) as being obvious over Lupo in view of Horvath and Adams and further in view of Paulos. Applicants respectfully traverse the rejection.

Since these dependent claims derive from independent claim 1, Applicants rely upon the arguments presented above in Sections 2 and 3 regarding the patentability of the independent claim. According to MPEP 2143.03, all claims limitations must be considered and if any independent claim is nonobvious then any related dependent claim is also nonobvious. Therefore, Applicants submit that a *prima facie* case of obviousness has not been established and respectfully request withdrawal of the rejection under 35 USC §103(a).

6. Rejection of claim 15 under 35 USC §103(a) as being obvious over Lupo (U.S. Patent Application Publication 2002/0111204) in view of Horvath (U.S. Patent No. 4,405,131) and Adams (U.S. Patent No. 6,334,814) and further in view of Inoue (U.S. Patent No. 5,722,891).

Claim 15 stands rejected under 35 USC §103(a) as being obvious over Lupo in view of Horvath and Adams and further in view of Inoue. Applicants respectfully traverse the rejection.

Since this dependent claim derives from independent claim 1, Applicants rely upon the arguments presented above in Sections 2 and 3 regarding the patentability of the independent claim. According to MPEP 2143.03, all claims limitations must be considered and if any independent claim is nonobvious then any related dependent claim is also nonobvious. Therefore, Applicants submit that a *prima facie* case of obviousness has not been established and respectfully request withdrawal of the rejection under 35 USC §103(a).

7. Rejection of claims 10 and 11 under 35 USC §103(a) as being obvious over Lupo (U.S. Patent Application Publication 2002/0111204) in view of Horvath (U.S. Patent No. 4,405,131) and Adams (U.S. Patent No. 6,334,814) and further in view of Holmes, Jr. (U.S. Patent No. 5,720,662).

Claims 10 and 11 stand rejected under 35 USC §103(a) as being obvious over Lupo in view of Horvath and Adams and further in view of Holmes, Jr. Applicants respectfully traverse the rejection.

Since these dependent claims derive from independent claim 1, Applicants rely upon the arguments presented above in Sections 2 and 3 regarding the patentability of the independent claim. According to MPEP 2143.03, all claims limitations must be considered and if any independent claim is nonobvious then any related dependent claim is also nonobvious.

Therefore, Applicants submit that a *prima facie* case of obviousness has not been established and respectfully request withdrawal of the rejection under 35 USC §103(a).

8. Rejection of claim 12 under 35 USC §103(a) as being obvious over Lupo (U.S. Patent Application Publication 2002/0111204) in view of Horvath (U.S. Patent No. 4,405,131) and Adams (U.S. Patent No. 6,334,814) and further in view of Ikenaga (U.S. Patent Application Publication 2003/0067113).

Claim 12 stands rejected under 35 USC §103(a) as being obvious over Lupo in view of Horvath and Adams and further in view of Ikenaga. Applicants respectfully traverse the rejection.

Since this dependent claim derives from independent claim 1, Applicants rely upon the arguments presented above in Sections 2 and 3 regarding the patentability of the independent claim. According to MPEP 2143.03, all claims limitations must be considered and if any independent claim is nonobvious then any related dependent claim is also nonobvious. Therefore, Applicants submit that a *prima facie* case of obviousness has not been established and respectfully request withdrawal of the rejection under 35 USC §103(a).

9. Rejection of claims 20 and 24 under 35 USC §103(a) as being obvious over Kaplan (U.S. Patent No. 5,413,342) in view of Horvath (U.S. Patent No. 4,405,131) and Adams (U.S. Patent No. 6,334,814) and further in view of Inoue (U.S. Patent No. 5,722,891).

Claims 20 and 24 stand rejected under 35 USC §103(a) as being obvious over Kaplan in view of Horvath and Adams and further in view of Inoue. Applicants respectfully traverse the rejection.

Since these dependent claims derive from independent claims 16 and 21, respectively, Applicants rely upon the arguments presented above in Sections 2 and 4 regarding the

patentability of the independent claims. According to MPEP 2143.03, all claims limitations must be considered and if any independent claim is nonobvious then any related dependent claim is also nonobvious. Therefore, Applicants submit that a *prima facie* case of obviousness has not been established and respectfully request withdrawal of the rejection under 35 USC §103(a).

10. Rejection of claims 27 and 28 under 35 USC §103(a) as being obvious over Kaplan (U.S. Patent No. 5,413,342) in view of Horvath (U.S. Patent No. 4,405,131) and Adams (U.S. Patent No. 6,334,814) and further in view of Paulos (U.S. Patent No. 4,407,502).

Claims 27 and 28 stand rejected under 35 USC §103(a) as being obvious over Kaplan in view of Horvath and Adams and further in view of Paulos. Applicants respectfully traverse the rejection.

Applicants note that the Office has provided no citations from Horvath or Paulos (to combine with Kaplan) to support the aforementioned rejection, but instead refer to a passage from Nakamura; however, Nakamura was not cited in the rejection. Applicants assume this was an error in transcription and rely on the argument presented below.

Since these dependent claims derive from independent claim 21, Applicants rely upon the arguments presented above in Sections 2 and 4 regarding the patentability of the independent claim 21. According to MPEP 2143.03, all claims limitations must be considered and if any independent claim is nonobvious then any related dependent claim is also nonobvious. Therefore, Applicants submit that a *prima facie* case of obviousness has not been established and respectfully request withdrawal of the rejection under 35 USC §103(a).

Conclusion

Based on the arguments presented above, Applicants respectfully submit that the rejections have been overcome and request allowance of the claims. If the Office has any questions regarding the application or this response, the Office is encouraged to call Applicants' attorney, Ian F. Burns, at (775) 826-6160.

Respectfully submitted,

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